

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>JULIA HUBBARD, and KAYLA GOEDINGHAUS,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>V.</b>	)	<b>CIVIL ACTION NO. SA-23-CA-580-FB</b>
	)	
<b>TRAMMELL S. CROW, JR.; BENJAMIN TODD ELLER; RICHARD HUBBARD; MELISSA MILLER; SCOTT WOODS; MRUGESHKUMAR SHAH; MICHAEL CAIN; COE JURACEK; PHILIP ECOB; H.J. COLE; CODY MITCHELL; KURT KNEWITZ; PAUL PENDERGRASS; RALPH ROGERS; ROBERT PRUITT; SCOTT BRUNSON; CASE GROVER; RICHARD BUTLER; MARC MOLINA; MICHAEL HYNES, JR.; SHAWN MAYER; JADE MAYER; AARON BURLINGAME; RCI HOSPITALITY HOLDINGS, INC.; INTEGRITY BASED MARKETING, LLC; STORM FITNESS NUTRITION, LLC; ULTRA COMBAT NUTRITION, LLC; ECOLOFT HOMES LLC; ELEVATED WELLNESS PARTNERS LLC; DOE INDIVIDUALS 1-50; and DOE COMPANIES 1-50;</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**ORDER TO SHOW CAUSE**

Before the Court is the status of the above styled and numbered cause of action. Plaintiffs filed their complaint (docket no. 1) against Defendants for violations of federal human trafficking laws, 18 U.S.C. §§ 1589, 1591(a), and the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962(c), in the United States District Court for the Central District of California (sometimes referred to as “California Court”) on November 1, 2022.

On December 5, 2022, the California Court ordered Plaintiffs to “promptly serve the complaint in accordance with Fed. R. Civ. P. 4.” (Docket no. 24 at 2.) Plaintiffs were notified that “[a]ny defendant not timely served under Fed. R. Civ. P. 4(m), including ‘Doe’ or fictitiously named defendants, shall be dismissed from the action without prejudice.” (*Id.*)

The California court transferred this case to the San Antonio Division of the Western District of Texas on May 5, 2023. (Docket no. 132). Plaintiffs filed an amended complaint on July 7, 2023. (Docket no. 190). Among other things, Plaintiffs added Aaron Burlingame, “Doe Individuals 1-50” and “Doe Companies 1-50” as named defendants in this case.

Despite being warned by the California court that any defendant not timely served would be dismissed from this action, the following defendants named in Plaintiffs’ original complaint have not answered or otherwise appeared: Mrugeshkumar Shah; Michael Cain; Philip Ecob; H.J. Cole; Kurt Knewitz; Paul Pendergrass; Ralph Rogers; Scott Brunson; Richard Butler; Mark Molina; Shawn Mayer; Jade Mayer; Integrity Based Marketing, LLC; Storm Fitness Nutrition, LLC; Ultra Combat Nutrition, LLC; Ecoloft Homes, LLC; Elevated Wellness Partners, LLC; Doe Individuals 1-20; and Doe Companies 21-30. The following defendants additionally named in Plaintiff’s amended complaint has also not answered or otherwise appeared: Aaron Burlingame, Doe Individuals 1-50 and Doe Companies 1-50. The reason for this failure appear appears to be the Plaintiff’s failure to obtain service of the summons and a copy of the complaint upon these Defendants. Federal Rule of Civil Procedure 4(c)(1) provides in relevant part: “The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” FED.R.CIV.P.4(c)(1) (emphasis added). The time limit for service under Rule 4(m) provides in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But, if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

FED. R. CIV. P. 4(m). Over a year has passed since the filing of the original complaint, and more than 90 days have elapsed since the filing of the amended complaint, and there is no indication that the Plaintiffs have served these Defendants.

IT IS THEREFORE ORDERED that the Plaintiffs shall show good cause, **on or before December 4, 2023**, why Plaintiffs' claims against these Defendants should not be dismissed pursuant to Rule 4(m) and for failure to prosecute. Plaintiffs are NOTIFIED that the failure to timely and properly respond to this Order to Show Cause will result in the dismissal of their claims against these Defendants.

It is so ORDERED.

SIGNED this 20th day of November, 2023.



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FRED BIERY  
UNITED STATES DISTRICT JUDGE